

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

In Re:  
Vehicle Carrier Services  
Antitrust Litigation

*This Document Relates to All Actions*

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Master Docket No.: 13-cv-3306  
(MDL No. 2471)

**NOTICE OF MOTION UNDER RULE 60(B)(4), (B)(6)**

Please take notice that, pursuant to Federal Rule of Civil Procedure 60(b)(4) and (b)(6) and Local Rule 7.1(i), End-Payor, Automobile Dealer, and Truck and Equipment Dealer (collectively, “Indirect Purchaser Plaintiffs”) hereby move this Court to vacate its September 28, 2015 Order dismissing the Indirect Purchaser Plaintiffs’ complaints with prejudice. (Docket Entry No. 276). For the reasons articulated in detail in the accompanying memorandum, the Indirect Purchaser Plaintiffs respectfully submit that Defendants’ unlawful agreements to fix the prices of vehicle carrier services for the shipment of new assembled motor vehicles are not governed by the Shipping Act of 1984 and are not subject to Federal Maritime Commission jurisdiction. Accordingly, the Court’s Order finding the Indirect Purchaser Plaintiffs’ claims preempted by the Shipping Act should be set aside.

Dated: November 4, 2015

Respectfully submitted,

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***Truck and Equipment Dealer Plaintiff  
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**CERTIFICATE OF SERVICE**

This is to certify that on November 4, 2015, a true and correct copy of the foregoing instrument was filed with the United States District Court for the District of New Jersey via the Court's CM/ECF system, thereby causing copies to be electronically served upon all counsel of record.

/s/ Warren T. Burns  
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